

10/15/01

JC965 U.S. PTO

10-16-01

PTO/SB/05 (03-01)

Approved for use through 10/31/2002 OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	MA-702D2
First Inventor	Mark Thompson
Title	Bacillus thuringiensis Toxins with Improved Activi
Express Mail Label No.	ET535904314US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 31]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 1]
5. Oath or Declaration [Total Pages 2]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☒ paper
  - c. ☒ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Assignee Information; Certificate of Express Mail

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. 09 / 222,594

Prior application information

Examiner R. Prouty

Group Art Unit. 1652

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Labelor ☐ Correspondence address below

Name				
Address				
City	State	Zip Code		
Country	Telephone	Fax		

Name (Print/Type)	Jay M. Sanders	Registration No. (Attorney/Agent)	39,355
Signature		Date	October 15, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

10/15/01



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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$ 758.00)

## Complete if Known

Application Number	
Filing Date	
First Named Inventor	Mark Thompson
Examiner Name	
Group Art Unit	
Attorney Docket No.	MA-702D2

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit Account Number 19-0065

Deposit Account Name Saliwanchik, Lloyd & Saliwanchik

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status See 37 CFR 1.27

2. ☐ Payment Enclosed:  
☐ Check ☐ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

### BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	FEE PAID
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 740.00)

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from Below	Fee Paid
21	-20** = 1 X	18.00	18.00
Independent Claims	2	-3** = 0 X	84.00 = 0.00
Multiple Dependent			

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3 Multiple dependent claim, if not paid
104	280	204	140	**Reissue independent claims over original patent
109	84	209	42	**Reissue claims in excess of 20 and over original patent
110	18	210	9	

SUBTOTAL (2) (\$ 18.00)

\*\*or number previously paid, if greater, For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	FEE PAID
105	130	205	65	Surcharge-late filing fee or oath	
127	50	227	25	Surcharge-late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first Month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing for a brief support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive-unavoidable	
141	1,280	241	640	Petition to revive-unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt. Recording each patent assignment per property (times number of properties)	
581	40	581	40	Filing a submission after final rejection (37 CFR §1.129(a))	
146	740	246	370	For each additional invention to be examined (37 CFR§1.129(b))	
149	740	249	370	Request for Continued Examination (RCE)	
179	740	279	370	Request for expedited examination of a design application	
169	900	169	900		

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Jay M. Sanders	Registration No. (Attorney/Agent)	39,355	Telephone	352-375-8100
Signature		Date	October 15, 2001		

**WARNING: Information on this form may become public. Credit card information should no be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231

PATENT APPLICATION  
Docket No. MA-702D2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Mark Thompson, Mark Knuth, Guy Cardineau  
Serial No. : Not Yet Assigned  
For : *Bacillus thuringiensis* Toxins with Improved Activity

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

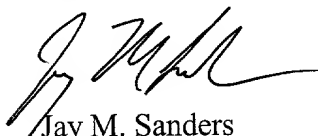
STATEMENT UNDER 37 CFR §1.821

Sir:

Transmitted herewith is an application containing a sequence listing under 37 CFR 1.821 through 1.825.

The sequence is submitted in computer readable form and on paper. I hereby certify that the information recorded in computer readable form is identical to the written sequence listing.

Respectfully submitted,



Jay M. Sanders  
Patent Attorney  
Registration No. 39,355  
Phone No.: 352-375-8100  
Fax No.: 352-372-5800  
Address: 2421 N.W. 41st Street, Suite A-1  
Gainesville, FL 32606

October 15, 2001

Date Signed

JMS/ehm

Utility Patent Application  
Docket No. MA-702D2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. : MA-702D2  
Applicant(s) : Mark Thompson, Mark Knuth, Guy Cardineau  
For : *Bacillus thuringiensis* Toxins with Improved Activity

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING BY EXPRESS MAIL (37 CFR 1.10)

ET 535904314 US

Express Mail No. \_\_\_\_\_ Date of Deposit: October 15, 2001

I hereby certify that the items listed on the attached Utility Patent Application Transmittal form, with copies as required for authorization for use of Deposit Account No. 19-0065, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and are addressed to: Box PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231.

Ericka Midtgard

Name of person mailing paper

*Ericka Midtgard*  
Signature